

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION**

**DENISE THURMOND**

211 Owen St.  
Hamilton, OH 45011

Plaintiff,

v.

**FORD MOTOR COMPANY,**

3000 E Sharon Rd.  
Cincinnati, OH 45241

Defendant.

**CASE NO: 1:19-CV-00955**

**JUDGE MICHAEL R. BARRETT**

**ANSWER OF DEFENDANT FORD MOTOR COMPANY TO PLAINTIFF'S  
COMPLAINT**

Defendant Ford Motor Company ("Defendant") states the following as its Answer and Defenses to Plaintiff's Complaint.

**FIRST DEFENSE**

1. Plaintiff's Complaint does not contain numbered Paragraphs. Defendant denies all substantive allegations in Plaintiff's Complaint, if any, including all violations of law identified in Plaintiff's Complaint and the exhibits to Plaintiff's Complaint. To the extent that the remainder of Plaintiff's Complaint and/or the exhibits contain any additional allegations, Defendant denies all such allegations.

**SECOND DEFENSE**

2. All allegations in Plaintiff's Complaint not expressly admitted in this Answer are denied.

**THIRD DEFENSE**

3. Plaintiff's Complaint fails to state a claim upon which relief may be granted.

**FOURTH DEFENSE**

4. Plaintiff's claims are barred by the equitable doctrines of waiver, judicial estoppel, equitable estoppel, unclean hands, set-off, accord and satisfaction, and/or laches.

**FIFTH DEFENSE**

5. Plaintiff's claims are barred, in whole or in part, by the doctrine of res judicata and/or collateral estoppel.

**SIXTH DEFENSE**

6. This Court lacks subject matter jurisdiction.

**SEVENTH DEFENSE**

7. Plaintiff has failed to mitigate damages, if any.

**EIGHTH DEFENSE**

8. Plaintiff's claims, in whole or in part, are barred by the applicable statute of limitations.

**NINTH DEFENSE**

9. Plaintiff was treated the same as other similarly situated employees outside the protected class.

**TENTH DEFENSE**

10. Defendant exercised reasonable care to prevent and correct any alleged harassing, discriminatory, and/or retaliatory conduct, if any.

**ELEVENTH DEFENSE**

11. Plaintiff failed to exhaust administrative and/or informal remedies.

**TWELFTH DEFENSE**

12. Plaintiff's claims should be dismissed to the extent that they were not set forth in her administrative charges.

**THIRTEENTH DEFENSE**

13. Any monetary recovery is unavailable for the claims contained in Plaintiff's Complaint.

**FOURTEENTH DEFENSE**

14. Plaintiff's claims arise from and depend upon the applicable collective bargaining agreement.

**FIFTEENTH DEFENSE**

15. Plaintiff's claims are barred to the extent that they were settled, resolved, waived, dismissed, and/or to the extent Plaintiff failed to appeal a final administrative order.

**SIXTEENTH DEFENSE**

16. Plaintiff is not a qualified individual with a disability as defined by federal or state law.

**SEVENTEENTH DEFENSE**

17. Any and all actions taken with respect to Plaintiff's employment were made for legitimate, nondiscriminatory, and non-retaliatory reasons. At all times Defendant acted in good faith compliance with all applicable laws and did not engage in any willful misconduct.

**EIGHTEENTH DEFENSE**

18. Defendant would have taken the same action regardless of Plaintiff's race, gender, disability, or other protected status.

**NINETEENTH DEFENSE**

19. Defendant reserves the right to add or assert additional defenses identified upon further discovery in this matter.

**WHEREFORE**, Defendant prays for relief in the form of a judgment against Plaintiff, an award of all costs and attorney fees incurred in connection with this action, an award of damages, and any other relief deemed reasonable, just, or appropriate.

Respectfully submitted this 26<sup>th</sup> day of December 2019.

Respectfully submitted,

/s/ Ronald G. Linville

Ronald G. Linville (0025803)  
Email: rlinville@bakerlaw.com  
BAKER & HOSTETLER LLP  
200 Civic Center Drive  
Suite 1200  
Columbus, OH 43215-4138  
Telephone: 614.228.1541  
Facsimile: 614.462.2616

*Attorney for Defendant Ford Motor Company*

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on December 26, 2019, a true and correct copy of the foregoing Answer of Defendant Ford Motor Company to Plaintiff's Complaint was electronically filed with the Clerk of Court using the Court's CF/ECF filing system and sent via U.S. mail, postage pre-paid, to all interested parties of record identified below.

Denise Thurmond  
211 Owen St.  
Hamilton, OH 45011

*Plaintiff*

/s/ Ronald G. Linville

Ronald G. Linville

*Attorney for Defendant Ford Motor Company*